

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERDIST MITCHELL-BEY,

Plaintiff,

vs.

BRET BARBIER, *et al.*,

Defendants.

Case No. 1:08-cv-143

Hon. Robert J. Jonker

ORDER

Plaintiff has filed a civil rights action against defendants pursuant to 42 U.S.C. § 1983. Plaintiff is a pro se indigent prisoner incarcerated by the Michigan Department of Corrections (MDOC). On February 29, 2008, the court ordered the clerk to arrange for the service of the summons and complaint on defendants. The record reflects that the United States Marshals Service successfully served some of the defendants in this suit through their employer, the MDOC. In a letter dated April 3, 2008, the MDOC advised the Marshals Service that it could not accept service for defendant Mark Malone because he was no longer employed by the MDOC and his current address is unknown. *See* docket no. 12.

This matter is now before the court on plaintiff's "motion to compel disclosure" (docket no. 35), in which he seeks an order compelling Muskegon Correctional Facility Warden Shirlee Harry to produce defendant Malone's address. The MDOC has previously advised the Marshals Service that it does not have this defendant's current address. A court order directing Warden Harry to provide this address would be a futile act. Accordingly, plaintiff's motion is **DENIED**.

IT IS SO ORDERED.

Dated: August 13, 2008

/s/ Hugh W. Brenneman, Jr.
HUGH W. BRENNEMAN, JR.
United States Magistrate Judge